

Application No. 10/802,798
Amendment Dated April 6, 2005
Reply to Office Action of December 16, 2004

REMARKS/ARGUMENTS:

By the present Amendment, claims 1 and 9 are amended, and claims 2 and 10 are canceled. No new matter has been added. Claims 1, 3 – 9 and 11 are pending in the application, with claims 1 and 9 being independent.

Applicant has carefully considered the contents of the Office Action and respectfully requests reconsideration and reexamination of the subject application in view of the explanations noted below.

Rejections under 35 U.S.C. § 102(b)

Claims 1, 4 – 6, 9 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,913,095 to Takashima et al. (the Takashima ‘095 patent). Applicants respectfully traverse this rejection, since the Takashima ‘095 patent clearly does not disclose, teach or render obvious the subject matter of claims 1, 4 – 6, 9 and 10.

Amended independent claims 1 and 9 each recite, *inter alia*, a paper discharge tray that forms a substantial portion of the rear wall of the main machine, as shown in FIGS. 2 and 3.

U.S. Patent No. 5,913,095 to Takashima et al. discloses an image forming apparatus having an paper stacking means for stacking papers thereon, as shown in FIG. 9. The stacking means includes a lower tray 40 and a movable tray portion 21 rotatable around a shaft 23 relative to the lower tray. When papers that are long in the paper discharge direction are discharged, the movable tray portion 21 is rotated clockwise to lower the movable tray portion to prevent the stacked papers P from collapsing. In a first embodiment shown in FIGS. 4 – 6, a paper discharge tray 5 is formed *in* the rear portion of the copier. Col. 3, lines 34 - 36. The paper discharge tray 5 has upper and lower trays 9 and 10 affixed the upper and lower casings, respectively. Col. 3, lines 40 – 42. In a second embodiment shown in FIGS. 7 – 12, the paper discharge trays are disposed in the rear portion of the casing 30. Col. 5, lines 17 – 20. Therefore, the Takashima ‘095 patent does not disclose a paper discharge tray that forms a substantial portion of the rear wall of the apparatus, as recited in independent claims 1 and 9.

Application No. 10/802,798
Amendment Dated April 6, 2005
Reply to Office Action of December 16, 2004

The Takashima '095 patent does not disclose or suggest a paper discharge tray that forms a substantial portion of the rear wall of the apparatus, as recited in amended independent claims 1 and 9. The Takashima '095 patent discloses a discharge paper tray that is disposed within the copier (FIGS. 5, 6 and 8) or disposed within the copier and that extends out through the rear wall of the copier (FIG. 9). Furthermore, the Takashima copier cannot be modified so that the paper discharge tray forms a substantial portion of the rear wall since a main objective of the Takashima '095 patent is to provide a copier having upper and lower casings pivotable about a shaft 14 disposed in the rear portion of the casing, as shown in FIG. 6. Col. 1, lines 51 – 57. Substantial modification of the Takashima '095 copier is necessary for the copier to be capable of opening to separate upper and lower casings and having the paper discharge tray form a substantial portion of the rear wall. Since all the features of independent claims 1 and 9 are not disclosed or suggested, the Takashima '095 patent does not anticipate or render obvious independent claims 1 and 9.

Therefore, the Takashima '095 patent does not anticipate or render obvious Applicants' invention recited in claims 1 and 9.

Claims 3 – 8 and 11, being dependent upon amended independent claims 1 and 9, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as a door installed on a backside wall of claim 7; and the door being hinged to the backside wall of claim 8. Therefore, dependent claims 3 – 8 and 11 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

Rejections under 35 U.S.C. § 103(a)

Claims 2, 3, 7, 8 and 11 are rejected under 35 U.S.C. § 103(a) as being anticipated by the Takashima '095 patent in view of U.S. Patent No. 5,202,736 to Komurasaki (the Komurasaki '736 patent). Applicants respectfully traverse this rejection, since the Takashima '095 patent clearly does not disclose, teach or render obvious the subject matter of dependent claims 3, 7, 8 and 11.

The Komurasaki '736 patent is cited for a discharge paper tray that extends above the scanner, as shown in FIG. 2. However, this does not cure the deficiency noted above with

Application No. 10/802,798
Amendment Dated April 6, 2005
Reply to Office Action of December 16, 2004

respect to the Takashima '095 patent, i.e., that the paper discharge tray forms a substantial portion of the rear wall of the apparatus.

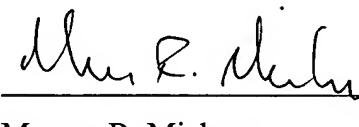
Moreover, the upper tray 10 is alleged to act as a door pivoted about a shaft 14 for opening and closing the copier. However, the upper tray 10 is merely connected *inside* the upper casing to the same shaft that the upper casing is pivotally mounted on. Col. 4, lines 35 – 45. The upper casing is pivoted to access the interior of the copies and the upper tray is merely rotated with the upper casing. The upper casing 10 does not act as a door. Moreover, since the upper tray is mounted inside the upper casing, it is not accessible to be opened as a door.

Since claims 3, 7, 8 and 11 depend on independent claims 1 and 9, which are allowable for the reasons discussed above, claims 3, 7, 8 and 11 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

* * *

In view of the foregoing amendment and comments, Applicants respectfully submit that claims 1, 3 – 9 and 11 are allowable over the cited patents. Prompt and favorable action is solicited.

Respectfully Submitted,



Marcus R. Mickney
Reg. No. 44,941

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, DC 20036
(202) 659-9076

Dated: April 6, 2005